

A CERTIFIED TRUE COPY  
ATTEST

By Denise Morgan-Stone on Jun 05, 2008

FOR THE UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

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JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

Jun 05, 2008

FILED  
CLERK'S OFFICE  
**FILED**

JUN 10 2008

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
MDL No. 1871

**IN RE: AVANDIA MARKETING, SALES PRACTICES  
AND PRODUCTS LIABILITY LITIGATION**

Mohinder Khanna v. SmithKline Beecham Corp., et al., )  
N.D. California, C.A. No. 3:08-01131 MHP )

**TRANSFER ORDER**

**Before the entire Panel:** Plaintiff in this action (*Khanna*) pending in the Northern District of California has moved, pursuant to Rule 7.4, R.P.J.P.M.L., 199 F.R.D. 425, 435-36 (2001), to vacate the respective portion of our order conditionally transferring the action to the Eastern District of Pennsylvania for inclusion in MDL No. 1871. Responding defendant SmithKlineBeecham Corp. d/b/a/ GlaxoSmithKline (GSK) opposes the motion.

After considering all argument of counsel, we find that *Khanna* involves common questions of fact with actions in this litigation previously transferred to the Eastern District of Pennsylvania, and that transfer of the action to the Eastern District of Pennsylvania for inclusion in MDL No. 1871 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. We further find that transfer of *Khanna* is appropriate for reasons that we set out in our original order directing centralization in this docket. In that order, we held that the Eastern District of Pennsylvania was a proper Section 1407 forum for actions arising from allegations that certain diabetes drugs manufactured by GSK – Avandia and/or two sister drugs containing Avandia (Avandamet and Avandaryl) – cause an increased risk of heart attack and other physical injury, and that GSK failed to provide adequate warnings concerning that risk. See *In re Avandia Marketing, Sales Practices and Products Liability Litigation*, 528 F.Supp.2d 1339 (J.P.M.L. 2007).

Plaintiff can present his motion for remand to state court to the transferee judge. See, e.g., *In re Ivy*, 901 F.2d 7 (2d Cir. 1990); *In re Prudential Insurance Company of America Sales Practices Litigation*, 170 F.Supp.2d 1346, 1347-48 (J.P.M.L. 2001).

IT IS THEREFORE ORDERED that, pursuant to 28 U.S.C. § 1407, this action is transferred to the Eastern District of Pennsylvania and, with the consent of that court, assigned to the Honorable Cynthia M. Rufe for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

Judge Heyburn took no part in the disposition of this matter.

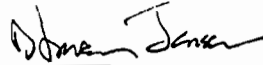
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DATED: 6/6/08

ATTEST: Tom Deppey  
DEPUTY CLERK, UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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PANEL ON MULTIDISTRICT LITIGATION



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D. Lowell Jensen  
Acting Chairman

John G. Heyburn II, Chairman\*  
Robert L. Miller, Jr.  
David R. Hansen

J. Frederick Motz  
Kathryn H. Vratil  
Anthony J. Scirica

MICHAEL E. KUNZ  
CLERK'S OFFICE  
CLERK OF COURT

ROOM 2609  
(267) 299-7018

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA  
U.S. COURT HOUSE  
601 MARKET STREET  
PHILADELPHIA 19106-1797

RE: ADVANDIA MARKETING, SALES PRACTICES AND PRODUCTS  
LIABILITY LITIGATION; MDL 1871  
CA-N, Khanna, 3:08-1131

Dear Clerk:

Enclosed is a copy of the transfer order issued by the Judicial Panel on Multidistrict Litigation directing the transfer of the case listed above to the ED-PA as part of the MDL 1871 assigned to the Honorable Cynthia M. Rufe.

**Please docket this order on your case and notify our court when completed so we can log onto the pacer website and print the documents for this case. You will not be required to forward any documents to our district unless directed otherwise.**

If you have any questions, please call me at (267) 299-7018.

Very truly yours,

MICHAEL E. KUNZ  
Clerk of Court

By: Tom Dempsey  
Tom Dempsey, Deputy Clerk  
MDL Docketing Clerk

Enclosure